

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

KENDALE L. WISE, :
Petitioner : CIVIL ACTION NO. 3:12-1360
v. : (JUDGE MANNION)
GERALD L. ROZUM, et al., :
Respondents :

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS HEREBY ORDERED THAT:**

1. Respondents' motion to dismiss the petition as untimely, (Doc. No. [37](#)), is **GRANTED**.
2. The above captioned petition for writ of habeas corpus is **DISMISSED** as untimely under the statute of limitations. See 28 U.S.C. §2244(d).
3. Petitioner's motion for "extension of time to modify the instant petition," (Doc. No. [38](#)), is **DISMISSED** as moot.
4. Petitioner's "Motion for Stay and Abeyance," (Doc. No. [42](#)), is **DENIED**.
5. The Clerk of Court is directed to **CLOSE** this case.
6. There is no basis for the issuance of a Certificate of Appealability. See 28 U.S.C. §2253(c).

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

DATED: October 28, 2013

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